



Original Packet

103-04
(04)

**CITY COUNCIL
REDEVELOPMENT AGENCY
AGENDA**

City of Westminster
Regular Meeting
May 5, 2004

6:00 p.m. – Council Conference Room
7:00 p.m. – Council Chambers

8200 Westminster Boulevard
Westminster, California 92683

**MARGIE L. RICE
MAYOR**

**ANDY QUACH
Mayor Pro Tem**

**FRANK G. FRY
Council Member**

**KERMIT MARSH
Council Member**

**RUSSELL C. PARIS
Council Member**

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I)

GENERAL INFORMATION

MEETINGS

Regular Meetings of the City Council/Redevelopment Agency are held the first and third Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible. Adjourned Regular Meetings (Study Sessions) are tentatively held on the Monday following the first Wednesday of the month at 6:00 p.m.

AGENDA INFORMATION

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review.

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PUBLIC COMMENTS

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Public Hearing portion of the agenda and provides the public an opportunity to address any items of interest **not on the agenda** that are within the subject matter jurisdiction. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

To address the City Council/Redevelopment Agency on any matter, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

AGENDA ON THE INTERNET:

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

TELEVISED MEETING SCHEDULE

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

AGENDA

May 5, 2004

6:00 P.M.

CLOSED SESSION

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY DURING ANY ITEM TO BE CONSIDERED IN CLOSED SESSION.

CALL TO ORDER:

ROLL CALL

PRESENT:

ABSENT:

CLOSED SESSION:

The City Council/Redevelopment Agency will recess to a Closed Session for the following purposes:

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Existing Litigation: Adelle Marie Wagner v. City of Westminster;
- 2) Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Existing Litigation: Harry and Julia Deschene v. City of Westminster;
- 3) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8: Property: Northwest corner of Westminster Boulevard; Agency Negotiators: Interim Executive Director Penny Loomer and Economic Development Manager Steve Soto; Negotiating Party: Charles Ponti; Under Negotiation: Price and Terms of Payment; and
- 4) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8: Property: Northeast corner of Olive and Westminster Boulevard; Agency Negotiators: Interim Executive Director Penny Loomer and Economic Development Manager Steve Soto; Negotiating Party: Charles Ponti; Under Negotiation: Price and Terms of Payment.

RECESS:

AGENDA

May 5, 2004

7:00 P.M.

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR
PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, QUACH, FRY, MARSH, PARIS

PRESENT:

ABSENT:

SALUTE TO FLAG: Mayor Pro Tem Quach

INVOCATION:

REPORT OUT OF CLOSED SESSION:

The City Attorney shall determine if any actions taken by the City Council/Redevelopment Agency in Closed Session shall require a reporting on those actions as required by law (Government Code 54957.1(a) (3) (B)).

SPECIAL PRESENTATIONS:

- A. Presentation from County of Orange, Office on Aging
- B. Presentation of Commendation to Caroline Caporuscio
- C. Presentation of "Pride of Westminster" award to Larry Nichols

AGENDA

May 5, 2004

1. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless Members of the City Council/Redevelopment Agency/Public Financing Authority, the public, or staff request specific items be removed from the Consent Calendar for separate action or discussion.

ROUTINE MATTERS

1.1 (City Council) Denial of Claims(s) Against the City from: (Cyndie Arganda)

- 1) Harry and Julia Deschene in the amount of \$2,500,000.00
- 2) St. Paul Fire and Marine Insurance Co. in the amount of \$280,610.00
- 3) Duc Nguyen in the amount of \$1,700.00
- 4) Marvin Manley in an unknown amount
- 5) Mary Harada in the amount of \$7,045.00

RECOMMENDATION: Deny claim(s) filed against the City.

1.2 (City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only.

RECOMMENDATION: Approve.

1.3 Proclamation declaring May, 2004 as "Mental Health Month" in the City of Westminster

RECOMMENDATION: Approve.

1.4 (City/Agency) Selection of Consultant for Design Services of Street Improvements for 19th, 20th, 21st and 22nd Streets, North of Westminster and East of Beach Boulevard (Brad Fowler)

RECOMMENDATION: That the City Council/Redevelopment Agency approve the selection of Norris-Repke to perform the subject work in the amount of \$59,200.00, and authorize the Interim City Manager to execute the agreement.

1.5 Notice of Completion for work completed by Hydrologue Inc. for Over-Purging and Testing of Wells at the Corporate Yard Tank site, and authorization for an increase of \$1,374.70 to Purchase Order No. 17953 for final payment (Brad Fowler)

RECOMMENDATION: That the City Council:

- 1) Authorize an increase of \$1,374.70 to Purchase Order No. 17953 for final payment; and
- 2) Accept the subject project and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office.

AGENDA

May 5, 2004

1. CONSENT CALENDAR (Continued)

ORDINANCES (SECOND READING)/RESOLUTIONS

- 1.6 Ordinance No. 2372 - An Ordinance of the City Council of the City of Westminster amending Title 9 (Public Peace, Morals, and Welfare) of the Westminster Municipal Code by adding Chapter 9.76 (Don Anderson)**

RECOMMENDATION: That the City Council adopt Ordinance No. 2372 and waive further reading.

WARRANT REGISTER

- 1.7 (City Council/Redevelopment Agency) Warrant Register dated April 16 through April 29, 2004 (Sheri Peasley)**

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.8 Minutes of the Planning Commission meeting held April 14, 2004 (Don Anderson)**

RECOMMENDATION: Receive and file.

- 1.9 Minutes of the Traffic Commission held on April 6, 2004 (Brad Fowler)**

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

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2. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

- 2.1 The actions of the Planning Commission meeting held on April 14, 2004**

RECOMMENDATION: That the City Council determine if they wish to call up any item(s) for review from the Planning Commission meeting of April 14, 2004:

- 1) 15081 Beach Boulevard (Case No. 2004-13 Modification of Conditional Use Permit C-1000) for changing the existing restaurant to a banquet facility, changing the ABC license from 47 to 48, allowing dance and live entertainment in each of the two banquet rooms, and extending hours of operation to midnight Sunday through Wednesday and to 2:00 a.m. Thursday through Saturday.
- 2) 16494 Beach Boulevard (Case 2004-16 Conditional Use Permit) for adding massage services at the existing day spa.

AGENDA

May 5, 2004

3. PUBLIC HEARINGS

ADDRESSING THE CITY COUNCIL DURING PUBLIC HEARINGS: After the public hearing is opened, persons speaking in favor will be heard first, followed by those persons speaking in opposition; and then persons speaking in rebuttal. Only those persons who have spoken in favor will be permitted to speak in rebuttal.

If a spokesperson is designated to speak in favor or in opposition, that spokesperson will have twelve (12) minutes to speak. Thereafter, each person speaking in favor or in opposition will have three (3) minutes to speak. The total time for speaking in favor or in opposition shall not exceed 30 minutes. Those persons speaking in rebuttal will have three minutes each, or a total of 20 minutes for rebuttal. The City Council may use its discretion to allow a speaker to exceed time limits.

NOTE: If a challenge is made by any party in court from actions arising out of a public hearing, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered at the public hearing or prior thereto.

3.1 REVIEW OF PLANNING COMMISSION'S DENIAL OF CASE NO. 2003-74 (SITE PLAN/DESIGN REVIEW); LOCATION: 8882-92 BOLSA AVENUE; APPLICANT: ANDREW K. NGUYEN AND BRUCE H. NGUYEN OF SOUTHLAND PROPERTY DEVELOPMENT (continued from the April 7, 2004 meeting) (Don Anderson)

Time set for a public hearing to review the Planning Commission's decision to deny a proposal to add a 4,684 square foot second floor, expand the first floor by 911 square feet, addition of a 106 square foot elevator and equipment room, and various site improvement, to an existing commercial building located in the Bolsa/Magnolia shopping center.

PLANNING COMMISSION RECOMMENDATION: That the City Council:

- 1) Uphold the Planning Commission's decision to deny Case 2003-74; and
- 2) Adopt Resolution No. 3830 entitled "A Resolution of the City Council of the City of Westminster to deny Case 2003-74 (Site Plan/Design Review) located at 8882-8892 Bolsa Avenue," and waive further reading.

AGENDA

May 5, 2004

3. PUBLIC HEARINGS (Continued)

3.2 REVIEW OF PLANNING COMMISSION'S APPROVAL OF CASE NO. 2004-10 (CONDITIONAL USE PERMIT/MINOR MODIFICATION TO DESIGN REVIEW); LOCATION: 16300 BEACH BOULEVARD, SUITES E AND F; APPLICANT: KATHERINE WONG (Don Anderson)

Time set for a public hearing to review the Planning Commission's approval of a Conditional Use Permit for the sale of beer, wine, and distilled spirits for on-site consumption incidental to a newly proposed restaurant use in conjunction with a Minor Modification to the existing building façade.

PLANNING COMMISSION RECOMMENDATION: That the City Council:

- 1) Uphold the Planning Commission's decision to approve Case 2004-10; and
- 2) Adopt Resolution No. 3833 entitled "A Resolution of the City Council of the City of Westminster approving Case 2004-10 (Conditional Use Permit/Minor Modification to Design Review) pertaining to the sale of beer, wine, and distilled spirits for on-site consumption and pertaining to the remodel of the existing building façade located at 16300 Beach Boulevard, Suites E and F," and waive further reading.

4. ORAL COMMUNICATIONS

At this time members of the public may address the City Council/Redevelopment Agency regarding any items of interest not on the agenda that are within the subject matter jurisdiction of the City Council. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 Resolution No. 3835 – A Resolution of the City Council of the City of Westminster relating to the burdens placed upon the City by representatives and officials from the Socialist Republic of Vietnam traveling in or through the City of Westminster (Mayor Pro Tem Quach and Council Member Marsh)

RECOMMENDATION: That the City Council consider and adopt Resolution No. 3835 and waive further reading.

AGENDA

May 5, 2004

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 (City/Agency/Authority) Contract for Professional Audit Services

RECOMMENDATION: That the City Council/Agency Board/Authority Board:

- 1) Approve a three year contract with two optional renewal years for professional audit services with Diehl, Evans & Company, LLP in the amount of \$38,900 for fiscal year 2003-04, \$39,675 for fiscal year 2004-05, and \$40,470 for fiscal year 2005-06; and
- 2) Authorize the Interim City Manager/Executive Director to execute the contract on behalf of the City.

6.2 Review of draft Letter of Intent to Little Saigon Tet Parade Association for Right of First Consideration for Parade Permit for Little Saigon Tet Parade Association

RECOMMENDATION: That the City Council provide direction to staff.

6.3 Request for designation of voting delegate for a Special Meeting of the League of California Cities General Assembly on May 13, 2004 (Penny Loomer)

RECOMMENDATION: That the City Council select a voting delegate and alternate delegate who will be present at the May 13, 2004 Special Meeting of the League of California Cities General Assembly.

7. WRITTEN COMMUNICATIONS (Public) – None

8. LEGISLATIVE ITEMS – None

9. COMMISSION AND COMMITTEE ITEMS – None

10. COUNCIL/AGENCY ADJOURNMENT: To Monday, May 10, 2004 at 6:00 p.m. in the Council Chambers, 8200 Westminster Boulevard, Westminster, for the purpose of holding a study session to discuss City/Agency business.

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.


Marian Contreras, City Clerk/Agency Secretary